

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION ONE

|                    |   |                                   |
|--------------------|---|-----------------------------------|
| DARON J. PARKER,   | ) | ED103798                          |
|                    | ) |                                   |
| Appellant,         | ) | Appeal from the                   |
|                    | ) | Circuit Court of St. Louis County |
| v.                 | ) | 14SL-CC03759                      |
|                    | ) |                                   |
| STATE OF MISSOURI, | ) | Honorable John D. Warner, Jr.     |
|                    | ) |                                   |
| Respondent.        | ) | Filed: October 25, 2016           |

Daron J. Parker ("Defendant") appeals the judgment of the motion court denying his Rule 24.035 post-conviction relief motion without an evidentiary hearing.

Division One Holds: Defendant's amended motion was untimely filed, and the motion court did not conduct an independent abandonment inquiry. Therefore, pursuant to Moore v. State, 458 S.W.3d 822 (Mo. banc 2015), this case is remanded in order that the motion court conduct an abandonment inquiry.

REVERSED AND REMANDED.

Opinion by: Lisa P. Page, J.

Robert M. Clayton III, P.J., Mary K. Hoff, J., concur.

Attorney for Appellant: Matthew Huckleby, District Defender

Attorneys for Respondent: Daniel N. McPherson, Assistant Attorney General

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| <p><b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b></p> |
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